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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,748	10/20/2003	Abe Nishiki		9269

7590
Clyde I. Coughenour
16607 Sutton Place
Woodbridge, VA 22191

01/04/2007

EXAMINER

GETTMAN, CHRISTINA DANIELLE

ART UNIT

PAPER NUMBER

3734

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/687,748

Applicant(s)

NISHIKI, ABE

Examiner

Christina D. Gettman

Art Unit

3734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 17-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/20/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Claims 17-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in a telephone call made to Clyde Coughenour on December 18, 2006.

Specification

The disclosure is objected to because of the following informalities: on page 7, line 7, please change "2" to --to--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, and 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Cox (U.S. Patent No. 4,754,746). Cox discloses the invention as claimed including a first and second handle grip (ref. 1, Fig. 1), a first and second jaw (ref. 4, Fig. 1), a first and second blade (ref. 5, Fig. 1), the blades extending upwardly from the jaws, a ratchet means (ref. 6, Fig. 1), a first and second enlarged hook on the blades (ref. 21, Fig. 5), a fulcrum pin (ref. 3, Fig. 1), a curved rack and pawl (ref. 7 and 9, Fig. 1), irregular cog surface (ref. 7, Fig. 1), and a flat rack on the ratchet means (see opposite

side of ref. 7, Fig. 1). As shown in Fig. 1, the blades are pointed downward from the jaws. However, it would be obvious to flip the device upside down so that the blades extend upward from the jaws.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 6-8, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox as applied to claims 3 and 2 above, and further in view of Hastings (U.S. Patent No. 4,269,089). Cox discloses the invention substantially as claimed including everything stated in claim 2 and 3 and including a stop (ref. 11, Fig. 1) and a spring-loaded projection (ref. 12, Fig. 1) but does not disclose a slot to accommodate the pawl. Finger 11 in Cox can be used as a stop to prevent the jaws from over-rotating. Hastings teaches a slot for the purpose of pivoting the handle grips (ref. 24, Fig. 1). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Cox with a slot in order to allow the two handle grips to be pivoted away from each other.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cox as applied to claim 1 above, and further in view of Steinweg (U.S. Patent No. 6,347,565). Cox discloses the invention substantially as claimed except for the hook being in a ball shape. Steinweg teaches a ball-shaped hook for the purpose of grasping tissue (ref.

26, Fig. 8. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Cox with a ball-shaped hook in order to hold the foreskin on the device without damaging it. Together, the two hooks form a ball shape. They can also be placed on opposite jaws so that they form more of a hook. The application also states that the hooks shapes are generally ball-shaped which is shown in Steinweg.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cox and Steinweg as applied to claim 9 above, and further in view of Tiedemann. (U.S. Patent No. 2003/0233119). Cox and Steinweg disclose the invention substantially as claimed except for the hook being coated. Tiedemann teach a hook that is coated with a non-slip for the purpose of protecting the skin (par. 23, line 9). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Cox and Steinweg with a coating, such as a polymer, to keep the hooks from damaging the foreskin upon stretching it.

Conclusion

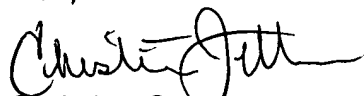
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christina D. Gettman whose telephone number is 571-272-3128. The examiner can normally be reached on Monday-Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hayes can be reached on 571-272-4959. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3734

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CC



Christina Gettman
Art Unit 3734
571-272-3128



MICHAEL J. HAYES
SUPERVISORY PATENT EXAMINER